

**Planning Commission Workshop  
Project Summary**

Project Number	PC12-427FSCB
Project Name	Market Square
PC Workshop Date	July 16, 2012

**Proposal:**

The Applicant is requesting approval for a revision to the previously approved combined forest stand delineation/preliminary forest conservation plan (PC09-283FSCB), related to the revisions to the master plan, preliminary subdivision plat, final site plan, and preliminary forest conservation plan proposed under applications PC12-217MXU, PC12-218PSU, PC12-221FSI, and PC12-200PFCP respectively.

**Important Issues:**

As a result of the new development layout, the Applicant has reduced some of the open space areas onsite that were previously allocated for forest conservation credit. As such, the Applicant is seeking additional off-site plantings. The off-site plantings will be placed on land to be dedicated to the City for public parkland. That site was previously approved for 3.75 acres of forest conservation which will now be increased to 4.33 acres. Staff and the Applicant have met with the Director of the Parks and Recreation Department to ensure that the additional plantings will not impede any future use of the park. It has been concluded that future use of the park will be primarily for access to the Monocracy River-Tuscarora Creek Path and development will be limited to a parking area and possible passive, picnic area and as such, the proposed plantings will not conflict with the use of the park.

Randy McClement  
Mayor



Aldermen

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

July 6, 2012

Mr. David Lingg, R.L.A.  
Lingg Property Consulting  
256 West Patrick Street, Suite A  
Frederick, MD 21701

**Re: PC12-427FSCB: Market Square Offsite FSD/Preliminary Forest Conservation Plan (NAC #4)**

Dear Mr. Lingg:

Staff has reviewed the above-referenced plan. Staff has divided comments into two sections: issues of major concern, and those that are of a technical nature. In order for this application to be in compliance, please address the following comments:

**ISSUES OF MAJOR CONCERN**

1. None.

**TECHNICAL ISSUES**

2. Provide new case # in the title block.
3. Update General Note 1, the FSD Narrative, and the Forest Conservation Narrative with the new onsite preliminary forest conservation case #PC12-220PFCP.
4. Provide an additional space between the Afforestation Plantings Notes and Protection Devices note to avoid overlap.


<b><i>APPROVAL AGENCIES</i></b>	<b><i>NO WRITTEN RESPONSE</i></b>	<b><i>RESPONSE, NO COMMENT</i></b>	<b><i>VERBAL OR WRITTEN COMMENTS ATTACHED OR BELOW</i></b>
CITY ENGINEERING DEPARTMENT	X		
DEPARTMENT OF PUBLIC WORKS	X		
DEPARTMENT OF PARKS AND RECREATION	X		

**Comments are required before this plan can move forward**

\*\*\*\*Important\*\*\*\*

Once **all** of the comments have been addressed, please submit 12 paper copies (**one of which is highlighted**) of the plan and a response letter addressing all agency comments. This office shall receive the resubmission, with all comments addressed, of this plan no later than **July 23** to be placed on the **August 13, 2012** Planning Commission agenda. If you have any additional questions concerning this project, please feel free to contact me at 301-600-3187 or if you prefer by electronic mail at [jlove@cityoffrederick.com](mailto:jlove@cityoffrederick.com).

Sincerely,



Jeffrey D. Love  
City Planner

CC: Gabrielle Dunn, Division Manager of Current Planning

**Planning Commission Workshop  
Project Summary**

Project Number	PC12-47FSI
Project Name	Potomac Asset Management Co.
PC Workshop Date	July 16, 2012

**Proposal:**

The Applicant has proposed a final site plan for the renovation of a 6,220sf building with a 4,560sf addition at 43-45 South Carroll Street. In addition the proposal consists of renovations to accessory structures to be used in conjunction with the primary structure. It is Staff's understanding the Applicant is improving the property to be a LEED certified project.

At this time, the property owner is undergoing interior renovations to the existing building and accessory structures on the site. The zoning for the property is Downtown Commercial/Residential (DB) and within the Carroll Creek (CCO) and Historic Preservation (HPO) Overlay Districts.

This final site plan is being reviewed concurrently with the final subdivision plat of consolidation for Bolivar, LLC (PC11-799FSI).

**Important Issues:**

**Design Standards**

As noted above, the project is within both the CCO and HPO. Per Section 420, *Carroll Creek Overlay District*, the Carroll Creek design standards do not apply to additions, rehabilitations, renovations, replacement buildings or demolition buildings within the Frederick Town Historic District. Instead, the project must be reviewed for compliance with Section 423 of the LMC, *Historic Preservation Overlay*, and the Historic Preservation Commission (HPC) Guidelines. At this time, the Applicant has received all necessary HPC approvals for the building addition.

**Fire Escape**

The Applicant has depicted a fire escape for the primary structure as being attached and constructed in conjunction with an existing accessory structure. The structure appears to be within the 10' required rear setback for the DB district.

Per Section 803(a)(4), accessory structures which are separated from the principal structure by more than 6' must only be 3' from interior property lines. If an accessory structure is less than 6' from the principal structure, it must meet the setbacks normally required by Section 405 for the principal structure. With the addition to the principal structure, this accessory structure becomes part of the principal structure and as such, must meet the required 10' rear setback.

The Applicant will either need to revise the proposed building so that all appurtenances are contained within the 10' setback or request a variance from the ZBA. Staff does not recommend seeking a variance, as it does not appear

that the proposal meets the merits of a variance approval from the ZBA because the Applicant is creating the hardship.

### **Parking and Loading**

As of April, 2012 the minimum parking space requirements do not apply to new buildings or additions to buildings that have a gross floor area of 40,000 square feet or less, are constructed on parcels that are zoned DB, and are within a specified area of the downtown.. As such, the Applicant has not shown parking and Staff has not required parking spaces be delineated in accordance with the City design details and standards.

In addition to the parking standards, the DB properties are exempt from the minimum loading standards. The Applicant has shown a loading zone, however the logistics of the loading zone are unclear. If the Applicant wishes to use the area as a loading or parking zone, the improvements must be constructed to City standards. It should further be noted that loading spaces must be accessed by delivery trucks entering and exiting the site in a forward direction. The Applicant must provide evidence that this is possible.

If the Applicant does not wish to provide parking and a loading zone, Staff has requested that the Applicant eliminate the curb cut which provides access to the interior of the site and that sidewalk be improved to City Standards.

### **Water and Sewer**

The proposed properties are required to have separate water and sewer connections. As depicted on the site plan the existing water and sewer line is to be abandoned and new lines will be constructed. Staff has acknowledged that prior to plat recordation for the accompanying final subdivision plat the these improvements must be completed. Prior to unconditionally final site plan approval, the final subdivision plat must be recorded.

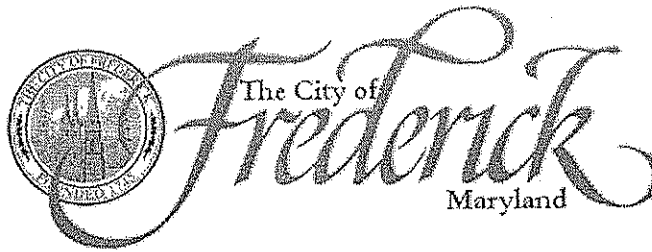
### **Carroll Creek Improvements**

The Applicant wishes to have a main entrance to the building from the Carroll Creek Linear Park, as such, it will be necessary to relocate an existing Magnolia Tree. In addition, the Applicant will also have to provide a matching brick pattern and be extremely cautious in the construction process due to existing irrigation lines.

### **Modification Requests**

The Applicant has requested a modification from Section 605(f) from the street tree landscaping requirements because of the amount of underground utilities in the City ROW. As a compensating feature the Applicant has proposed to plant an additional tree within the Carroll Creek Linear Park. Staff supports the modification request. The Applicant must depict this tree as part of the final site plan approval.

Randy McClement  
Mayor



Aldermen

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

July 16, 2012

Brett Whorley  
128 South Potomac Street  
Hagerstown, MD 21740

**Re: PC12-47FSI: Potomac Asset Management Co (NAC #11)**

Dear Mr. Whorley:

Staff has reviewed the above-referenced plan. Staff has divided comments into two sections: issues of major concern, and those that are of a technical nature. In order for this application to be in compliance, please address the following comments:

**ISSUES OF MAJOR CONCERN**

1. The existing building at the western extent of the site which is to be converted to a fire escape is currently considered an accessory structure. Per Section 803(a)(4), accessory structures which are separated from the principal structure by more than 6' must only be 3' from interior property lines. If an accessory structure is less than 6' from the principal structure, it must meet the setbacks normally required by Section 405 for the principal structure. With the addition to the principal structure, this accessory structure becomes part of the principal structure and as such, must meet the required 10' rear setback.
2. As previously indicated, if no parking is provided, the curb cut on S Carroll Street should be removed and a matching sidewalk built to City standards must be constructed to replace. Please add note that no parking is permitted on the concrete pad.
  - a. If a loading zone is proposed, the loading zone must be delineated and painted on the concrete. With the most recent revision, a loading area has been depicted. Further information is requested—vehicles entering or leaving a property should do so in a forward manner. It does not appear that there is a turnaround area that will allow delivery vehicles to safely

- maneuver into a forward position to exit the property. Please provide further details.
- b. If parking is proposed on the concrete pad, delineate parking spaces per City standard.
3. Note G.4 refers to an ingress/egress easement that is not shown on the final subdivision plat as specified.
  4. Remove all referrals to the architectural plans. The following elements must be shown on the final site plan:
    - a. Signage must be shown as part of the site plan. Label any building mounted signage with proposed square footage. Please see section 864 for the applicable provisions.
    - b. Eliminate the note referring to architectural as the lighting is shown as part of the lighting plan. The lighting plan must label the lighting height of all proposed lights. In addition, all lighting must be contained on the property lines. Eliminate all spill over.
    - c. Label how the building height was measured.

### TECHNICAL ISSUES

1. Depict the proposed tree in the Carroll Creek Park as part of the modification request.
2. Show the use, square footage, height and dimensions of all buildings, including accessory structures.
3. Please move case number below the site plan title.
4. The parcel area noted in the site data does not match the parcel area of the final subdivision plat.
5. Label the ISR as N/A in the site data block.

<i>APPROVAL AGENCIES</i>	<i>NO WRITTEN RESPONSE</i>	<i>RESPONSE NO COMMENT</i>	<i>VERBAL OR WRITTEN COMMENTS ATTACHED OR BELOW</i>
CITY ENGINEERING DEPARTMENT	X		
FIRE ENGINEER	X		
DEPARTMENT OF PUBLIC WORKS	X		

**Comments are required before this plan can move forward**

**\*\*\*\*Important\*\*\*\***

Once **all** of the comments have been addressed, please submit 10 paper copies (**one of which is highlighted**) of the plan and a response letter addressing all agency comments. This office shall receive the resubmission, with all comments addressed, of this plan no later than **July 23, 2012** to be placed on the **August 13, 2012** Planning Commission agenda. If you have any additional questions concerning this project, please feel free to contact me at 301-600-1770 or if you prefer by electronic mail at [bmark@cityoffrederick.com](mailto:bmark@cityoffrederick.com).

Sincerely,

A handwritten signature in black ink, appearing to read "B. Mark", written over the word "Sincerely,".

Brandon Mark  
City Planner

CC: Gabrielle Dunn, Division Manager of Current Planning  
Chron File

**Planning Commission Workshop  
Project Summary**

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Project Number	PC11-799FSU
Project Name	Lot 1 Bolivar, LLC
PC Workshop Date	July 16, 2012

**Proposal:**

The Applicant has proposed a final subdivision plat for the purposes of transferring 9,485 sf from Lot 1 to Lot 2. The Applicant is also dedicating 747 sf of land along the frontages of both lots for right-of-way. The subject properties are located at 43-45 and 49 South Carroll Street.

Both properties are currently vacant, however improvements have been occurring to the interior of the buildings and to accessory structures on the site. The zoning for the property is Downtown Commercial/Residential (DB) and within the Carroll Creek (CCO) and Historic Preservation (HPO) Overlay Districts

This plat is being reviewed concurrently with a final site plan proposal for an addition and renovation to 43-45 S Carroll Street (PC12-47SFI).

**Important Issues:**

**Water and Sewer**

The proposed properties are required to have separate water and sewer connections. Staff has requested that the water and sewer connection for Lot 1 be depicted on the plat. If the building does not have a connection or it is shared with Lot 2, the property will need to be supplied with the necessary utilities prior to recordation.

In addition the final site plan filed in conjunction with this plat supplies new water and sewer lines to the western portion of Lot 2. The existing water and sewer lines must be abandoned prior to the recordation of the plat.

**Nonconforming Features**

As part of the subdivision review, staff confirmed that the subdivision was not creating any nonconforming features to Lot 1 or 2 in regards to setbacks, parking, and the impervious surface ratio. The existing buildings meets the setbacks and the ISR standard is not applicable in the DB zone. As of April, 2012 the minimum parking space requirements do not apply to new buildings or additions to buildings that have a gross floor area of 40,000 square feet or less and are constructed on parcels that are zoned DB and as such, the transfer of any land currently used for parking does not have an impact.

Randy McClement  
Mayor



**Aldermen**

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

Date: JULY 2, 2012:

Engineering, Land Development and Traffic Comments

Re: PZ-11-00799: Lot 1 Bolivar, LLC

The Engineering Department requests a point-by-point response letter to the following comments. Please include the original comments in your point-by-point resubmittal.

Note 3 not addressed. City requires dedication at time of consolidation and bold property line and total new lot area to be at new right of way line.

Reviewed by Bill Lankford. Entered 7/2/12 by sstamper.

Randy McClement  
Mayor



Aldermen

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

July 16, 2012

Brett Whorley  
128 South Potomac Street  
Hagerstown, MD 21740

Re: PC11-799FSU: Lot 1 Bolivar, LLC (NAC #11)

Dear Mr. Whorley:

Staff has reviewed the above-referenced plan. Staff has divided comments into two sections: issues of major concern, and those that are of a technical nature. In order for this application to be in compliance, please address the following comments:

MAJOR CONCERNS

1. The purpose of the plat is still not explicitly clear. An area tabulation table must be provided which identifies, by liber and folio, all of the existing parcels that are to be included in the consolidation/subdivision. The tabulation must then clearly indicate what areas of each parcel are being added to which parcel and the remaining areas of any parcels. For example, there are lines that are indicated as being vacated—this parcel must be identified and the parcel lines shown with landhooks connecting that parcel into the parcel it is being added into and then those calculations reflected in table. The table should also indicate the area to be dedicated to the City.
2. The proposed properties are required to have separate water and sewer connections. Please depict the water and sewer connection for Lot 1. If the building does not have a connection or it is shared with Lot 2, the property will need to be supplied with the necessary utilities prior to recordation.
3. Show the proposed new water and sewer connections per the site plan, and label the existing water and sewer connections as "to be abandoned". These connections will be required to be abandoned prior to plat recordation.

4. The site plan notes an ingress/egress easement to the rear of Lot 1, however it is not delineated on the plat. This must be delineated and recorded and labeled prior to the recordation of the plat.
5. Clearly depict the frontage conditions.

### TECHNICAL ISSUES

1. Label the case number of the Final Plat of Consolidation to PC11-799FSU.
2. Please eliminate Note 2 as the zoning is listed in the density and dimensional block.
3. Revise the front and side setback to 0'.
4. Eliminate note 8 as it is not appropriate for a plat.
5. Correct the note referencing the hatch area of dedication to read "City of..."
6. Print/Type name of all signatories.
7. If the plat is only serving the purpose of consolidating lots, the Health Department does not need to sign the plat and the signature block can be removed.
8. Metes and Bounds must be provided for the dedication areas as well as the new front property lines after the dedication.

<i>APPROVAL AGENCIES</i>	<u>NO WRITTEN RESPONSE</u>	<u>RESPONSE, NO COMMENT</u>	<u>VERBAL OR WRITTEN COMMENTS ATTACHED OR BELOW</u>
CITY ENGINEERING DEPARTMENT	X		
CITY SURVEYOR			X
DEPARTMENT OF PUBLIC WORKS	X		

**Comments are required before this plan can move forward**

\*\*\*\*Important\*\*\*\*

Once **all** of the comments have been addressed, please submit 10 paper copies (**one of which is highlighted**) of the plan and a response letter addressing all agency comments. This office shall receive the resubmission, with all comments addressed, of this plan no later than **July 23, 2012** to be placed on the **August 13, 2012** Planning Commission agenda. If you have any additional questions concerning this project, please feel free to contact me at 301-600-1770 or if you prefer by electronic mail at [bmark@cityoffrederick.com](mailto:bmark@cityoffrederick.com).

Sincerely,

  
Brandon Mark  
City Planner

Lot 1 Boliver LLC  
PC11-799FSU

7/9/12  
Page 3

CC: Gabrielle Dunn, Division Manager of Current Planning  
Chron File

**Planning Commission Workshop  
Project Summary**

Project Number	PC12-426ZTA Text Amendment
Project Name	Section 405 (a) & 605 (g)
PC Workshop Date	July 16, 2012

**Proposal:**

The Applicant is proposing to amend two (2) sections of the Land Management Code (LMC): Section 405(a), Table 405-1 for dimensional standards in order to eliminate the impervious surface ratio (ISR) for General Commercial (GC) zoning and Section 605(g) for parking lot interior landscaping in order to limit the maximum length of any one parking bay to 20 spaces and to require a minimum 5' landscaping island between bays in the GC district.

**Important Issues:**

**405(a) Impervious Surface Ratio**

Under Section 405, *Dimensional and Density Regulations*, Table 405-1 establishes a maximum percentage of impervious surface permitted on a lot, which includes but is not limited to, building footprints and paved parking areas. The table below demonstrates the zones grouped with the same ISR requirement in LMC Table 405-1:

<b>Zoning Districts</b>	<b>Impervious Surface Ratio</b>
RC – Resource Conservation	.10
R4 – Low Density Residential	.4
R6 – Low Density Residential	.5
R8, R12 – Medium Density Residential	.5
R16, R20 – High Density Residential	.7
RO – Residential Office	.6
Downtown Districts	NA
PB – Professional Business	.7
NC – Neighborhood Commercial	
<b>GC – General Commercial</b>	
M1 – Light Industrial	.9
M2 – Heavy Industrial	
MO – Manufacturing/Office	

The Applicant is proposing to eliminate the ISR requirements for the GC zone entirely based on the justification that other regulations provide adequate green space on a lot, specifically the 2007 Maryland Storm Water Guidelines and the LMC's landscaping requirements.

**605(g) Parking Lot Interior Landscaping Requirements**

To offset any potential negative impacts from eliminating the ISR, the Applicant is proposing to establish a new requirement for interior parking lot landscaping in the GC district which will cap the number of continuous parking spaces at 20 and will require a 5'

wide planting island between parking bay. Currently, 10% of parking lots in all but the downtown zoning districts must be landscaped, which could be allocated in any manner including fewer parking lot islands and more perimeter landscaping. The maximum length of parking bays is routinely a review item that Staff addresses when considering placement of interior landscaping for a parking lot or in satisfying the property landscaping requirements. In general, long, large parking bays are discouraged to reduce the heat factor with more plantings in large impervious areas in all zoning districts. As such, Staff would support the proposed standards for all zoning districts, not just the GC district.

### **Staff Analysis**

The overall issue for all zoning districts is the purpose and intent of the ISR; is it a mechanism for achieving sufficient green space on a property or is it more of a functional standard intended to assure water infiltration on a site? Based on the definitions found in Section 1002, Staff has interpreted the ISR to serve the latter purpose of controlling stormwater runoff as opposed to setting a maximum amount of green space on a site and as such, has allowed for permeable pavers/concrete to be factored into the ISR calculation. From this perspective, the ISR is somewhat redundant in that storm water runoff is already addressed through the State and other local requirements.

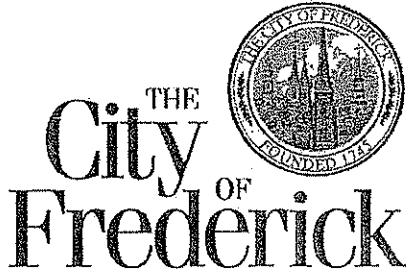
Conversely, if the goal of the ISR is to establish a minimum amount of green space on a property, Staff would concur that it is more appropriate to look towards increasing the minimum landscaping standards. However, at this time Staff does not support the complete removal of the ISR requirement for the GC zone and instead would recommend that the percentage be changed to match the industrial zoning districts at 0.9. The 0.9 is the minimal ISR required in any of the districts, except for the downtown districts where this standard is not applicable. The reason for Staff's recommendation is two-fold; first, relying solely on landscaping requirements to achieve a desirable level of green space is subject to modification. Under both the Commission's and Staff's authority, modifications may be granted to the landscaping standards, maintaining a standard of 0.9 in Table 405-1, sets a minimum threshold that can only be "waived" by a variance, a much more stringent process with specific hardship criteria. Secondly, while Staff agrees with the Applicant that the new Environmental Site Design (ESD) provisions integrate smaller green areas across a site, replacing the large green areas for storm water collection ponds previously required, many development sites have been grandfathered under the previous stormwater regulations and few sites have been developed under the new 2007 regulations as of yet, so there is a lack of historical proof that the ESD approach to stormwater control actually provides the same or more green space (or planting areas) desired on a site.

In the Applicant's justification narrative, they have raised the consideration that often times green spaces and landscaping requirements compete with valuable building area which conflicts with the intent of Smart Growth. While on a regional level there is the need to maximize the use of land in our urban centers, there also needs to be a balance with achieving environmentally sound sites at the local scale. Green spaces for plantings and pervious surfaces provide a cooling effect, allow for water infiltration, and are aesthetically pleasing and should be considered with the construction of buildings and parking lots. As referenced in the Applicant's justification statement, "*adequate and appropriate landscaping*" at Clemson Corner is subjective; and, in the future, Staff

intends to continue to explore these issues and alternative means of measuring a site's performance including tree canopy provided and ESD.

**Attachments**

- Text Amendment Application
- Proposed Text Changes
- Justification Statement
- Site Plan Graphics 1 and 2



For Official Use Only	
PC Case Number:	12-426
Hearing Date:	
DRC Date:	
Text Amendment Fee:	\$ 4,400.00
\$4,400.00	
Date Paid:	6-26-12

Planning Department \* 140 W. Patrick Street \* Frederick, Maryland 21701 \* 301.600.1499

## APPLICATION FOR LAND MANAGEMENT CODE TEXT AMENDMENT

Please legibly print or type the following Land Management Code Text Amendment Application in its entirety. Incomplete applications will not be accepted. Submit the application, along with fee, and twenty eight (28) copies of the application and support documentation on or before 3:00 p.m. on the application deadline date.

<b>OWNER INFORMATION</b>
Name: Christopher Smariga
Firm/Company: Harris, Smariga & Associates, Inc.
Address: 125 South Carroll St., Suite 100, Frederick, MD 21701
Phone: 301-662-4488      email: csmariga@harrissmariga.com
<b>REPRESENTED BY</b> – OWNER'S AFFIDAVIT MUST BE SUBMITTED WITH APPLICATION.
Name: Christopher Smariga
Firm/Company: Harris, Smariga & Associates, Inc.
Address: 125 South Carroll St., Suite 100, Frederick, MD 21701
Phone: 301-662-4488      email: csmariga@harrissmariga.com
All correspondence will be sent to the applicant. If the owner also wishes to receive a copy, please check box: <input type="checkbox"/>
<b>ORDINANCE BEING CHANGED</b>
LMC Section No: 405 (a) and 605 (g)
Text:
SEE ATTACHED.

**Proposed Amendment:**

SEE ATTACHED.

I hereby attest that the information provided on and attached to this application is complete and correct. This application must be accompanied by a filing fee.

Christopher D. Vmaiega  
Signature of Applicant

June 25, 2012  
Date

*Application may be made by any citizen or official or agency of the City, per Section 306(c) of the LMC.*

**Required Attachments:**

A. Statement to explain or support the requested amendment.

SEE ATTACHED

# CURRENT LMC

City of Frederick  
Land Management Code

§405 Dimensional and Density Regulations

## Sec. 405 DIMENSIONAL AND DENSITY REGULATIONS

**Purpose:** this section establishes minimum standards for the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, signs, structures and land pursuant to Maryland Code, Art. 66B, §4-01.

### (a) Generality

No building permit or zoning certificate shall be issued unless the proposed development conforms to the design regulations prescribed within the applicable zoning district. The design regulations for each district are included in Table 405-1 below. Specific rules of interpretation and exceptions to the zoning district design regulations are as set forth below and in the Lot and Block regulations (§606).

4. Table 405-1 Dimensional Regulations

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Zoning District	Minimum Lot Size (square feet)	Maximum Density	Minimum Frontage (feet)	Maximum Building Height (feet)	Minimum Street Setback (feet)	Minimum Interior Setback (feet)	Minimum Rear Setback (feet)	Impervious Surface Ratio
RC	15,000	0.2	80	40	30	15	40	.10
R4	8,000	4.0	65	40	25	8	30	.4
R6	7,000	6.0	50	40	25	8	30	.5
R8	6,000	8.0	50	40	25	8	30	.5
Single-Family Dwelling	4,000	8.0	40	40	25	8 <sup>(*)</sup>	25	.5
Duplex Dwelling	1,400	8.0	20	45	15	5 <sup>(*)</sup>	25	.5
Townhouse Dwelling	43,560	8.0	50	45	25	10	25	.5
Multiple family Dwelling	5,000	12.0	50	40	20	8	30	.5
Single-Family Dwelling	4,000	12.0	40	40	10	8 <sup>(*)</sup>	25	.5
Duplex Dwelling	1,400	12.0	20	45	10	5 <sup>(*)</sup>	25	.5
Townhouse Dwelling	43,560	12.0	50	60	25	10	25	.5
Multiple family Dwelling								

Supp. No. 5, 11-07

125

Article 4  
Zoning

§405 Dimensional and Density Regulations

City of Frederick  
Land Management Code

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Zoning District	Minimum Lot Size (square feet)	Maximum Density	Minimum Frontage (feet)	Maximum Building Height (feet)	Minimum Street Setback (feet)	Minimum Interior Setback (feet)	Minimum Rear Setback (feet)	Impervious Surface Ratio
R16	5,000	16.0	50	45	20	5	25	.7
Single-Family Dwelling	3,500	16.0	25	45	10	5 <sup>(*)</sup>	20	.7
Duplex Dwelling	1,400	16.0	20	50	10	5 <sup>(*)</sup>	20	.7
Townhouse Dwelling	43,560	16.0	50	65	25	10	20	.7
Multiple family Dwelling								
R20	5,000	20.0	50	45	20	5	25	.7
Single-Family Dwelling	3,500	20.0	25	45	10	5 <sup>(*)</sup>	20	.7
Duplex Dwelling	1,400	20.0	15	50	10	5 <sup>(*)</sup>	20	.7
Townhouse Dwelling	43,560	20.0	50	65	25	10	20	.7
Multiple family Dwelling	10,000	4.0	65	40	20	10	40	.6
RO								
DBO/DB	2,000	40.0	20	45	0	3 <sup>(**)</sup>	20	—
Single-Family Dwelling	3,000	40.0	20	45	0	3 <sup>(**)</sup>	20	—
Two-Family Dwelling	1,500	40.0	15	45	0	3 <sup>(*)</sup>	20	—
Duplex Dwelling	1,500	40.0	15	50	0	3 <sup>(*)</sup>	20	—
Townhouse Dwelling	3,000	75.0	30	75	0	3 <sup>(**)</sup>	20	—
Multiple family Dwelling	3,000	75	—	75	0	0	10	—
Mixed-Use (Commercial/Residential)								
All other permitted uses	—	—	—	75	0	0	10	—
DR	2,000	40.0	20	45	0	3 <sup>(**)</sup>	20	—
Single-Family Dwelling	3,000	40.0	20	45	0	3 <sup>(**)</sup>	20	—
Two-Family Dwelling	1,500	40.0	15	45	0	3 <sup>(*)</sup>	20	—
Duplex Dwelling	1,500	40.0	15	50	0	3 <sup>(*)</sup>	20	—
Townhouse Dwelling	5,000	40.0	30	65	0	5	20	—
Multiple family Dwelling	—	—	—	60	15	6	6	.7
PB	—	—	—	15	0	0	6	.7
NC	—	—	—	50	15	0	6	.7
GC	—	—	—	50	30	10	10	.9
M1	—	—	—	50	30	10	10	.9
M2	—	—	—	50	30	10	10	.9
MO	2 acres	—	50	60	30	See §405(c) below		.9

(\*) end units only  
(\*\*) at least one side

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(3) **Streetscape Planting Strip**

A continuous Streetscape Planting strip, exclusive of easements, shall be located in areas adjacent to the paved surface of an existing or proposed public street. The width of the planting strip shall vary by the street tree species (see Article 12, § 1202), as follows:

Table 605-4 Streetscape Planting Strip

Planting Space Required for Tree Species	Minimum Width of Streetscape Planting Strip
20 square feet	4.5 feet
30 square feet	5.5 feet
40 square feet	6.5 feet

The width of the planting strip shall be measured from the back of the curb (BOC). The planting strip shall be located generally parallel to the existing or proposed street and shall not be located in drainage areas, BMP areas, or other public improvement projects.

(4) **Location Street Trees**

Street trees shall be planted within the Streetscape Planting Strip.

(5) **Planting Density**

The planting density of street trees shall be as follows:

Table 605-5 Street Tree Planting Density

Street Classification (Comprehensive Plan, Map T-1 and as designated on subdivision plat or site plan)	Planting Density (by frontage, average spacing, on center, in feet)
Arterial or Collector	100 feet
Local	50 feet
Community Design Street Boulevard or Arterial	40 feet
Community Design Street Main Street	40 feet

Note: see §611(e) (geometric design) for street specifications.

The required spacing shall be measured as an average of the Street frontage along the particular Street. However, the distance between Street Trees shall not exceed the average spacing prescribed above by more than twenty (20) feet.

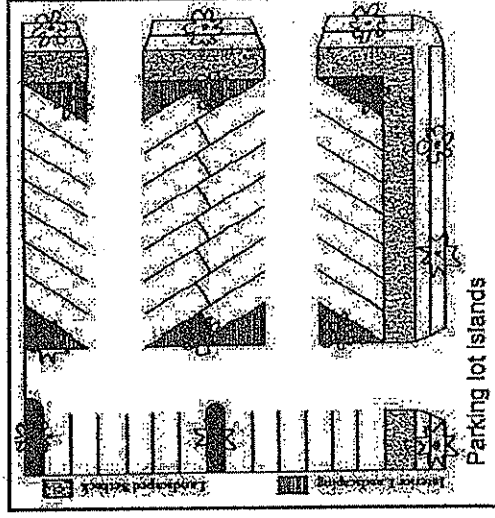
The Planning Commission may modify the street tree planting density where other public utilities such as streetlights or overhead wires create a conflict.

(g) **Parking lot interior landscaping requirements**

This subsection applies to any surface parking lot with twenty (20) or more spaces. Interior landscaping shall consist of ornamental plantings and shade trees. The following minimum area of the parking lot shall be landscaped in addition to landscaping required elsewhere which excludes perimeter screening and landscaping:

Table 605-6 Parking Lot Interior Landscaping Percentage

Zoning District	Minimum area of parking lot to be landscaped
R4, R6, R8, R12, R16, R20, RO, PB, MO, NC, MU, GC, IST, MXE M1, M2	10%



# PROPOSED AMENDMENT

City of Frederick  
Land Management Code

\$405 Dimensional and Density Regulations

\$405 Dimensional and Density Regulations  
City of Frederick  
Land Management Code

## Sec. 405 DIMENSIONAL AND DENSITY REGULATIONS

**Purpose:** this section establishes minimum standards for the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, signs, structures and land pursuant to Maryland Code, Art. 66B, §4-01.

### (a) Generally

No building permit or zoning certificate shall be issued unless the proposed development conforms to the design regulations prescribed within the applicable zoning district. The design regulations for each district are included in Table 405-1 below. Specific rules of interpretation and exceptions to the zoning district design regulations are as set forth below and in the Lot and Block regulations (§606).

4. \*Table 405-1 Dimensional Regulations

Zoning District	(A)	(B) Minimum Lot Size (square feet)	(C) Maximum Density	(D) Minimum Frontage (feet)	(E) Maximum Building Height (feet)	(F) Minimum Street Setback (feet)	(G) Minimum Interior Setback (feet)	(H) Minimum Rear Setback (feet)	(I) Impervious Surface Ratio
RC		15,000	0.2	80	40	30	15	40	.10
R4		8,000	4.0	65	40	25	8	30	.4
R6		7,000	6.0	50	40	25	8	30	.5
R8		6,000	8.0	50	40	25	8	30	.5
Single-Family Dwelling		4,000	8.0	40	40	25	8 <sup>(*)</sup>	25	.5
Duplex Dwelling		1,400	8.0	20	45	15	5 <sup>(*)</sup>	25	.5
Townhouse Dwelling		43,560	8.0	50	45	25	10	25	.5
R12		5,000	12.0	50	40	20	8	30	.5
Single-Family Dwelling		4,000	12.0	40	40	10	8 <sup>(*)</sup>	25	.5
Duplex Dwelling		1,400	12.0	20	45	10	5 <sup>(*)</sup>	25	.5
Townhouse Dwelling		43,560	12.0	50	60	25	10	25	.5

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(A)	(B) Minimum Lot Size (square feet)	(C) Maximum Density	(D) Minimum Frontage (feet)	(E) Maximum Building Height (feet)	(F) Minimum Street Setback (feet)	(G) Minimum Interior Setback (feet)	(H) Minimum Rear Setback (feet)	(I) Impervious Surface Ratio
R16	5,000	16.0	50	45	20	5	25	.7
Single-Family Dwelling	3,500	16.0	25	45	10	5 <sup>(*)</sup>	20	.7
Duplex Dwelling	1,400	16.0	20	50	10	5 <sup>(*)</sup>	20	.7
Townhouse Dwelling	43,560	16.0	50	65	25	10	20	.7
R20	5,000	20.0	50	45	20	5	25	.7
Single-Family Dwelling	3,500	20.0	25	45	10	5 <sup>(*)</sup>	20	.7
Duplex Dwelling	1,400	20.0	15	50	10	5 <sup>(*)</sup>	20	.7
Townhouse Dwelling	43,560	20.0	50	65	25	10	20	.7
RO	10,000	4.0	65	40	20	10	40	.6
DBO/DB								
Single-Family Dwelling	2,000	40.0	20	45	0	3 <sup>(**)</sup>	20	--
Two-Family Dwelling	3,000	40.0	20	45	0	3 <sup>(**)</sup>	20	--
Duplex Dwelling	1,500	40.0	15	45	0	3 <sup>(*)</sup>	20	--
Townhouse Dwelling	1,500	40.0	15	50	0	3 <sup>(*)</sup>	20	--
Multiple family Dwelling	3,000	75.0	30	75	0	3 <sup>(*)</sup>	20	--
Mixed-Use (Commercial/Residential)	3,000	75	--	75	0	0	10	--
All other permitted uses	--	--	--	75	0	0	10	--
DR								
Single-Family Dwelling	2,000	40.0	20	45	0	3 <sup>(**)</sup>	20	--
Two-Family Dwelling	3,000	40.0	20	45	0	3 <sup>(**)</sup>	20	--
Duplex Dwelling	1,500	40.0	15	45	0	3 <sup>(*)</sup>	20	--
Townhouse Dwelling	1,500	40.0	15	50	0	3 <sup>(*)</sup>	20	--
Multiple family Dwelling	5,000	40.0	30	65	0	5	20	--
PB	--	--	--	60	15	6	6	.7
NC	--	--	15	40	0	0	6	.7
GC	--	--	50	90	15	0	6	--
M1	--	--	50	90	30	10	10	.9
M2	--	--	50	90	30	10	10	.9
MO	2 acres	--	50	60	30	See §405(c) below		.9

(\*) end units only  
(\*\*) at least one side

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n/a

PROPOSED AMENDMENT

(3) Streetscape Planting Strip

A continuous Streetscape Planting strip, exclusive of easements, shall be located in areas adjacent to the paved surface of an existing or proposed public street. The width of the planting strip shall vary by the street tree species (see Article 12, § 1202), as follows:

Table 605-4 Streetscape Planting Strip		
Planting Space Required for Tree Species	Minimum Width of Streetscape Planting Strip	
20 square feet	4.5 feet	
30 square feet	5.5 feet	
40 square feet	6.5 feet	

The width of the planting strip shall be measured from the back of the curb (BOC). The planting strip shall be located generally parallel to the existing or proposed street and shall not be located in drainage areas, BMP areas, or other public improvement projects.

(4) Location Street Trees

Street trees shall be planted within the Streetscape Planting Strip.

(5) Planting Density

The planting density of street trees shall be as follows:

Table 605-5 Street Tree Planting Density	
Street Classification (Comprehensive Plan, Map T-1 and as designated on subdivision plat or site plan)	Planting Density (by frontage, average spacing, on center, in feet)
Arterial or Collector	100 feet
Local	50 feet
Community Design Street Boulevard or Arterial	40 feet
Community Design Street Main Street	40 feet

Note: see §611(e) (geometric design) for street specifications.

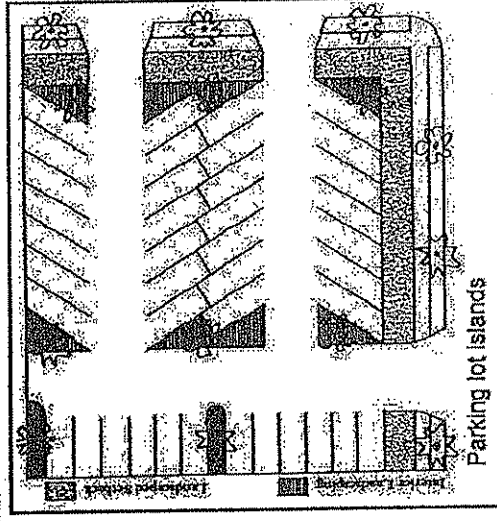
The required spacing shall be measured as an average of the Street frontage along the particular Street. However, the distance between Street Trees shall not exceed the average spacing prescribed above by more than twenty (20) feet.

The Planning Commission may modify the street tree planting density where other public utilities such as streetlights or overhead wires create a conflict.

(g) Parking lot interior landscaping requirements

This subsection applies to any surface parking lot with twenty (20) or more spaces. Interior landscaping shall consist of ornamental plantings and shade trees. The following minimum area of the parking lot shall be landscaped in addition to landscaping required elsewhere which excludes perimeter screening and landscaping:

Table 605-6 Parking Lot Interior Landscaping Percentage	
Zoning District	Minimum area of parking lot to be landscaped
R4, R6, R8, R12, R16, R20, RO, PB, MO, NC, MU, GC, IST, MXE M1, M2	10%



In the GC Zone, parking areas shall be separated into bays with a maximum of 20 continuous parking spaces in a single row. Between each bay there shall be a planting island at least 5 feet in width.

**JUSTIFICATION STATEMENT  
REMOVAL OF ISR FROM GC ZONE  
6/23/12**

The purpose of these text amendments are to eliminate the assignment of an Impervious Surface Ratio (ISR) from the City of Frederick's Land Management Code, Section 405(a), for General Commercial zoning and to create more stringent criteria for parking lot interior landscaping requirements for GC zoning (Section 605(g)). Currently, 70% of a site located in GC zoning is allowed for imperviousness. The proposed amendment strikes the required number and makes ISR not applicable (NA) for the GC zone. In our opinion, the landscaping regulations in the LMC coupled with the 2007 Maryland Storm Water Guidelines demands the creation of ample green space within a commercial development. In order to assure that the green space is maximized within a parking lot, a provision controlling the spacing of islands is also proposed. The addition of islands will enhance the aesthetics of the shopping center and create a more pleasing environment than an arbitrary ISR that will not necessarily provide any benefit to the center.

**Storm Water Management**

The Land Management Code was adopted by the City of Frederick in 2005, prior to the 2007 adoption of the current Maryland Storm Water Guidelines. It is the intent of the State mandated storm water guidelines to balance the relationship between the proposed impervious area and treatment of storm water runoff for a developed site, maintaining predevelopment runoff characteristics and protecting natural resources. The strategy, known as Environmental Site design (ESD) relies on integrating green into the site as natural hydrology dictates in order to capture and treat runoff into smaller controls throughout the site. Therefore, as new sites are developed, they are required by the State to provide ESD's. ESD's can be landscaped islands, bio retention areas, rain gardens, etc. which are placed throughout the parking lots. Each ESD can only treat a small amount of impervious surface (20,000 sf maximum) so in order to meet the State requirements there has to be green space throughout the parking lot. This requirement did not exist at the time of the adoption of the LMC.

**Landscaping**

Section 605 of the LMC requires landscaping on each site in the GC zone. One tree per 6,000 sf of lot area is required. A 10' minimum landscape buffer between a parking lot and the right of way is required. Street trees are mandated on City streets and 10% of the parking lot must be landscaped. These regulations coupled with the storm water ESD requirements guarantee that landscaping will be appropriately placed throughout a parking lot and enhance the aesthetics of shopping centers which we agree was missing on some projects in the past.

In an effort to further enhance the green area required in Section 605(g) Parking Lot Interior Landscaping Requirements of the LMC, it is proposed as part of this application to require in the General Commercial zone, a parking bay separation on an average of every 20 continuous parking spaces with a minimum 5 foot planted island. This will break large expanses of

impervious surface and provide shade to cool the lot if a deciduous shade tree is planted on the island.

### Example

An example of a recent shopping center has been provided to illustrate that an ISR in the GC zone is not required and does not provide an aesthetic or environmental benefit. The shopping center in the two attached exhibits is the Clemson Corner site. Please keep in mind that this shopping center was designed prior to the 2007 Storm Water Management Ordinance. If it had been developed under today's regulations, there would be an even greater guarantee for green space in the parking lot and drainage areas to small environmental treatment areas around the site.

#### Graphic 1:

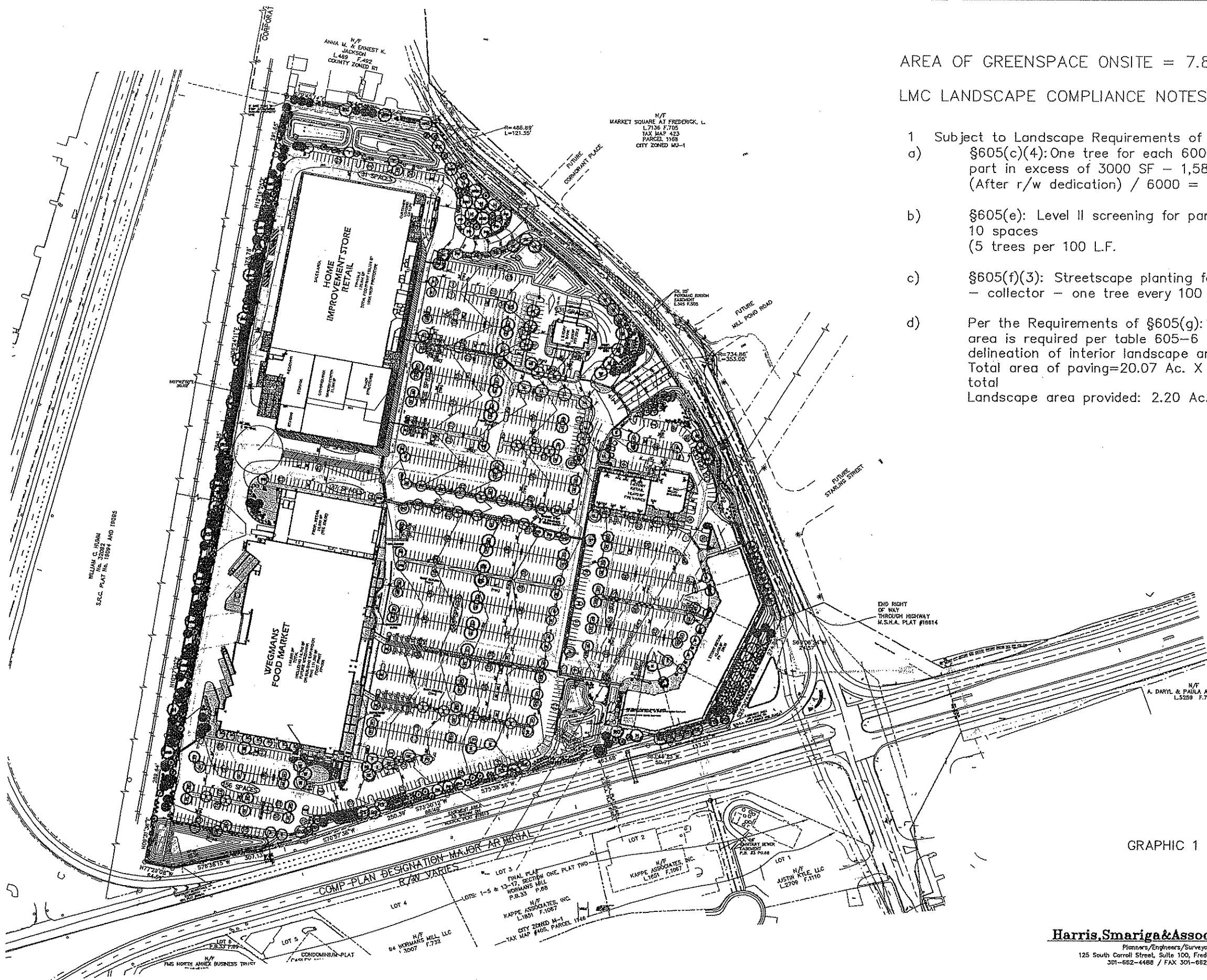
Graphic 1 shows the built condition of the Clemson Corner shopping center. To meet the 70% ISR, pervious concrete was used. Based on soil conditions, infiltration through pervious concrete cannot always be used. Pervious concrete does nothing to improve the aesthetics of the site so it in effect is as if no additional green space has been provided. Graphic 1 shows what the Clemson Corner site would look like if only the LMC landscaping standards were followed. An ISR of 79% has been achieved and there is adequate and appropriate landscaping throughout the site. Please go to the site today to see what 21% green space looks like.

#### Graphic 2:

Graphic 2 is the same Clemson Corner shopping center but an ISR of 70% is achieved. As you can see, we have just removed the other 9% of imperviousness and left it as open space. There is no requirement to disburse the green space throughout the site and in a shopping center; you will not find developers arbitrarily adding green space closer to the building and pushing the parking spaces away from the buildings making people walk extra-long distances. Smart Growth promotes efficient and sustainable land development, increased density of development, and efficient utilization of land resources. The optimization of infrastructure investments and more compact development to support community needs is vitally important to the Smart Growth approach adopted by the State of Maryland. Clemson Corners is located on a defined parcel of land bounded by existing roads. The site was developed in a most efficient manner within its boundaries, but could not have if it had to arbitrarily set aside unusable green space on site to meet the ISR requirement. The open green space at the corner as shown is not necessarily a usable space for the community and it is unlikely that if designed that way it would be used by residents. Shopping centers are for shopping and parks are for playing. Requiring an additional 3.4 acres of open and unusable green space in this location would not promote Smart Growth principals.

In summary, the requirement set forth in Section 405(a) of the Land Management Code of requiring a 70% Impervious Surface Ratio for GC zoning is onerous and unnecessary and creates inefficiency in commercial site design and should be eliminated. The current 2007 Maryland Storm Water Guidelines requires more utilization of non-structural means for

maintaining the pre-development site characteristics with the proposed site design. A provision for islands within a parking lot at a prescribed spacing based on a parking space number assures green pervious areas are required throughout a parking lot as well as the current requirements of Section 605 of the LMC.



AREA OF GREENSPACE ONSITE = 7.89 ACRES OR 21%

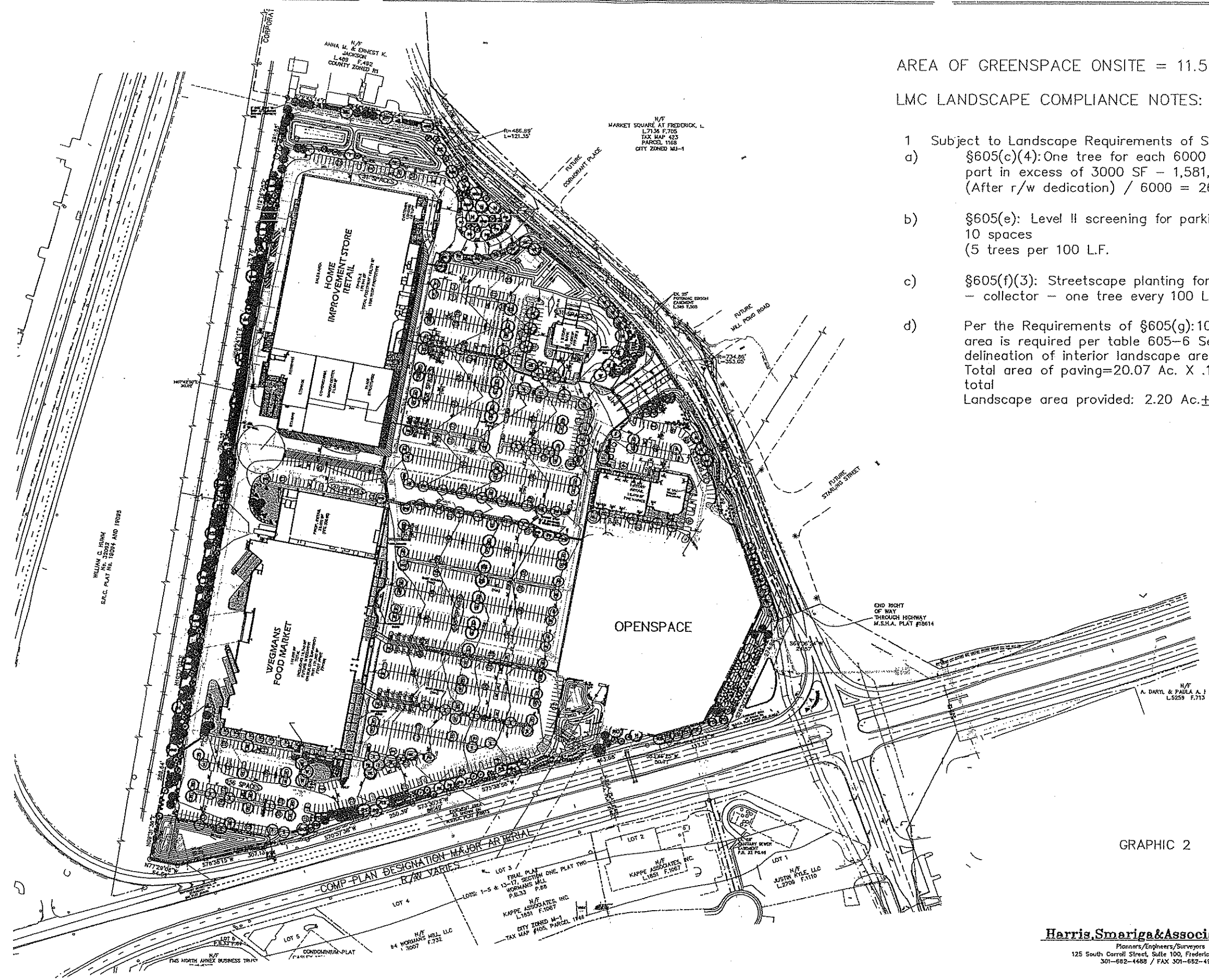
# LMC LANDSCAPE COMPLIANCE NOTES:

- 1 Subject to Landscape Requirements of Section 420
  - a) §605(c)(4): One tree for each 6000 SF or part in excess of 3000 SF – 1,581,054 SF (After r/w dedication) / 6000 = 264 trees required.
  - b) §605(e): Level II screening for parking lots in excess of 10 spaces (5 trees per 100 L.F.
  - c) §605(f)(3): Streetscape planting for Worman's Mill Road – collector – one tree every 100 L.F.
  - d) Per the Requirements of §605(g): 10% Interior Landscape area is required per table 605-6 See page 9 for delineation of interior landscape areas. Total area of paving=20.07 Ac. X .10 = 2.01 Ac. required total Landscape area provided: 2.20 Ac.±

GRAPHIC 1

**Harris, Smariga & Associates, Inc.**

Planners/Engineers/Surveyors  
125 South Carroll Street, Suite 100, Frederick, MD 21701  
301-662-4488 / FAX 301-662-4908



AREA OF GREENSPACE ONSITE = 11.52 ACRES OR 30%

LMC LANDSCAPE COMPLIANCE NOTES:

- 1 Subject to Landscape Requirements of Section 420
  - a) §605(c)(4): One tree for each 6000 SF or part in excess of 3000 SF – 1,581,054 SF (After r/w dedication) / 6000 = 264 trees required.
  - b) §605(e): Level II screening for parking lots in excess of 10 spaces (5 trees per 100 L.F.
  - c) §605(f)(3): Streetscape planting for Worman's Mill Road – collector – one tree every 100 L.F.
  - d) Per the Requirements of §605(g): 10% Interior Landscape area is required per table 605-6 See page 9 for delineation of interior landscape areas.  
Total area of paving=20.07 Ac. X .10 = 2.01 Ac. required total  
Landscape area provided: 2.20 Ac.±

GRAPHIC 2

**Harris, Smariga & Associates, Inc.**

Planners/Engineers/Surveyors  
125 South Carroll Street, Suite 100, Frederick, MD 21701  
301-682-4488 / FAX 301-682-4908

**Planning Commission Workshop  
Project Summary**

Project Number	STF12-419SP
Project Name	VFW Mixed Use
PC Workshop Date	July 16, 2012

**Proposal:**

The VFW Mixed Use sketch plan proposal is for 210-240 townhouse units. The VFW property is approximately 55 acres and currently contains a VFW club house, a restaurant and pool as well as the golf course. The proposal is to redevelop the golf course into a residential community while maintaining the VFW club house as the commercial component adjacent to Route 40.

The purpose of workshopping the sketch plan is to allow the Planning Commission to provide feedback and preliminary comments early in the process.

**Important Issues:**

The subject property was rezoned to MU-1 during the 2005 Comprehensive Rezoning. Prior to 2005, the portion of the property that fronts along Rt. 40 was zoned General Commercial (B-3) and the remaining area of the lot was zoned medium density residential (R-3). Per Section 417, the mixed use districts (MU-1 and MU-2 are intended to be a planned district that allows for the integration of residential and nonresidential uses, provides for mixed dwelling unit types and housing densities, provides for compatible and complimentary retail, office, and employment uses; provides for greater flexibility than single-use districts through a planned review process that insures safe, efficient, convenient, harmonious groupings of structures, uses, facilities, and support uses; and provides for the appropriate relationships of space, inside and outside buildings. Staff's primary concern is that the proposed plan does not meet this purpose statement and fails to reflect the desired mix of uses and unit types envisioned under the MU districts.

The subject property has numerous environmental features that present challenges to development; however, these same features may also serve as opportunities to create a unique and distinguishable community. 100 year floodplain and stream valley buffer areas occupy approximately 8 acres of the site, leaving approximately 42 acres available for development. Staff has recommended integrating the development in a manner such that the current ecological constraints become desirable amenities. By facing the residential units towards the greenspace and using it as the centerpiece of the development, paths and trails could more readily connect the commercial component to the residential units. Homes could also be designed in a manner that showcases the natural areas, for example, front porches overlooking the opens space as an amenity; this would also foster greater social interaction.

Staff has also recommended providing a mixture of housing types as described above to further the intent of the mixed use district. A variety of housing types will accommodate the needs of a more diverse population as well as improve the visual interest of the streetscape. An appropriate place for single family dwelling units maybe along Mount

Philip Road with access from rear facing garages. Staff also has concern with the main entrance to the community going through a parking lot. Staff feels that the boulevard of the main entrance should be extended to create public open space.

Lastly, Staff has concerns about the accessibility, location, and extent of the commercial component. Approximately 92,000 square feet of commercial space is required to achieve the minimum FAR for nonresidential uses in the MU district. The sketch depicts 8.3 acres of non-residential space however, the boundaries of the floodplain create sections that are fairly narrow in width. In addition, the floodplain and stream location completely separate the commercial section from the residential section of the community. Staff believes that the commercial component is best suitable along Alternative 40 rather than along Mount Philip Road or elsewhere on the property however, there is no attempt to improve or integrate the commercial use into the proposal. If at such a time the commercial area was expanded, the green space will provide a catalyst for development to attract visitors from Alternate 40 as well as utilize the open space to the rear as a retail or commercial amenity further tying the neighborhood together.

Randy McClement  
Mayor



Aldermen

Karen Lewis Young  
President Pro Tem

Michael C. O'Connor  
Shelley M. Aloï  
Carol L. Krimm  
Kelly M. Russell

July 9, 2012

Mathew Leakan  
Rogers Consulting  
19847 Century Blvd., Suite 200  
Germantown, MD 20874

**Re: STF12-419SP: VFW Mixed Use (NAC #8)**

Dear Mr. Leakan:

Per Section 309(b) of the Land Management Code, the Department of Planning shall review sketch plan applications and make recommendations to the applicant within thirty (30) working days. Staff review of the above-referenced sketch plan, submitted (application date), is complete, and **is approved**. Please address the following issues in the formal site plan application:

1. Per Section 417, the mixed use district (MU-1) is intended to provide a planned district that allows for the integration of residential and nonresidential uses, provides for mixed dwelling unit types and housing densities, provides for compatible and complimentary retail, office, and employment uses; provides for greater flexibility than single-use districts through a planned review process that insures safe, efficient, convenient, harmonious groupings of structures, uses, facilities, and support uses; and provides for the appropriate relationships of space, inside and outside buildings.
  - a. Staff contends that the proposal does not meet the intent Section 417, the Mixed Use District.
  - b. Staff recommends using the greenspace and environmental constraints as an amenity to link the uses. By orienting the residential units towards the central greenspace, multi-use trails may provide the link between the residential and nonresidential components as well as provide an identity for the neighborhood. To further comply with the intent of the mixed-use district, Staff recommends providing a mixture of housing types and improving and/or expanding the commercial component.
    - i. Orienting the neighborhood towards the greenspace and providing trails that have to access to segregated areas of the property allows further development of the commercial areas to have the valuable

- frontage along Alternate 40, as well as tie into the environmental thoroughfares to comply with the mixed use intent.
- ii. The multi-use trail that links the development should be designed in a manner to provide links to the Summers Farm and elsewhere along the Golden Mile Corridor and adjacent neighborhoods.
  - c. Staff feels that Street B should become the main entrance into the neighborhood by providing a main thoroughfare with a boulevard containing public space. Street A should act more like an alleyway providing access to residential units facing the greenspace with rear entry garages. The alley way should be secondary to the main entrance by providing a grid-like pattern.
  - d. Lots that have frontage from Mount Philip road may be appropriate for single family units. The single family units could also gain entry from alleyways from the rear. The mixture of residential uses furthers the intent of the mixed use district.
2. An MU-1 development requires approval of a Master Plan in accordance with Section 310, as well as a preliminary subdivision plat (LMC Section 504), final subdivision plat(s) (LMC Section 508), and a site plan (LMC Section 309).
  3. A Master Plan for a MU-1 development is subject to performance standards established in Section 407 of the LMC in addition to the standards expressed in Section 417.
  4. The proposal must depict the setbacks for the principal buildings as prescribed in Section 417, Table 417-2. The Master Plan must show typical lot details for the unit types to comply with the required setbacks. The Master Plan or associated subdivisions may not create non conformities with regards to the dimensional or density requirements. However the Planning Commission may grant modifications provided the Applicant provides compensating features.
  5. The Master Plan submittal is a conceptual diagram that requires two public hearings. The Master Plan may be amended at the staff level if the density is not increased, land uses do not change, no section of the plans dwelling units increases by 10%. Only one staff level revision is permitted.
  6. Testing for adequate public facilities in accordance with Chapter 14 of the City Code will be required at the time of Master Plan. In regards to school testing, it appears that Hillcrest Elementary is currently at 113% capacity.
  7. This project will be subject to the Moderately Priced Dwelling Unit Ordinance under Chapter 19 of the City Code. A minimum of 12.5% of the units must be considered "affordable" under the standards of the ordinance.
  8. A forest stand delineation must accompany the Master Plan application. In accordance with Section 721 of the LMC, the preliminary forest conservation plan may accompany the preliminary subdivision plat(s). Staff would note that with the amount of environmentally sensitive land, all forest conservation requirements should be met through onsite retention/afforestation.
  9. Staff recommends submitting the application for the Archeological Assessment (see Section 603) as soon as possible. Frequently, further investigation is required for sites such as this with undisturbed lands with streams and early submittal will ensure adequate time to conduct any necessary subsequent studies.

10. Consult Table 1102-1 for a complete listing of submittal requirements but please note that a Traffic Impact Study per Section 1203 of the LMC must accompany the Master Plan as well as a design booklet documenting.
11. Prior to the Planning Commission Workshop, applicants must attend a meeting of the Neighborhood Advisory Council for this area (NAC 8) to present the draft plan.

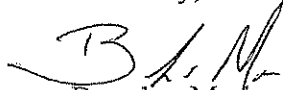
In regards to more specific site design elements, the following apply:

1. Landscaping Plan, see Sections 605 and 1113 of the LMC. Please note that the plan must be signed/sealed by a registered Landscape Architect.
2. Lighting Plan, see Sections 607(d)(2) and 1114 of the LMC.
  - a. include footcandles, light fixture types and pole heights, and include manufacturer's information for all elements.
3. An application for initial archeological assessment per Section 603.
  - a. .
4. Frontage improvements along Alternate 40 and Mount Philip Road will be required. These improvements include, sidewalks, street lights, street trees, fire hydrants etc.
5. Provide separation distances for proposed access per Section 601, Table 601-2.
6. The residential dwelling units are required to include six elements of 604(b)(3), of the Building and Urban Design Standards.
7. Per Section 407(b) the development is subject to the performance standards for Density, FAR, Trip Cap per acre (ADT), Percent stormwater volume treated by non-structural practices, Street Connectivity Ratio, and Design Category A.
8. Per Section 605(c), landscape trees are required for every 3000 square feet of the lot. This lot will be required to plant 812 trees.
9. Per section 606(e), the lot lines are required to have Level I buffers.
10. Per Section 605(f), street trees are required on arterial and local streets at the density of 100 and 50 feet, respectively.
11. Per Section 605(g) parking lots are required to contain 10% landscaping.
12. Per Section 608 the proposal is required to dedicate 1,000sf of parkland for each new residential unit
13. The proposed roadways are required to be constructed to Section 611, the Street Improvement Standards.
14. Label the centerline, roadway classification and comprehensive plan designation for all roadways.
15. Add a note stating that access to the property will be from Alternate 40 and Mount Philip Road.
16. The final site plan must document an ADA accessible routes.
17. Show adjoining property information including zoning, name of owner, and deed or plat reference.
18. Include note stating that the property is located in the Highway Noise Overlay (HNO) and show/label the boundary.

\*\*\*Important\*\*\*

**This letter is your official Notice to Proceed, and must be included with your site plan application.** Without this letter, the site plan application will be considered incomplete, and will not be processed by the Planning Department. If you have any additional questions concerning this project, please feel free to contact me at 301-600-1770 or if you prefer by electronic mail at [bmark@cityoffrederick.com](mailto:bmark@cityoffrederick.com).

Sincerely,

  
Brandon Mark  
City Planner

CC:  
Gabrielle Dunn, Division Manager of Current Planning  
Chron File